

## Message Text

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ACTION IO-11

INFO OCT-01 ISO-00 AF-06 ARA-06 EA-07 EUR-12 NEA-10

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

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R 060930Z FEB 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 7994

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E.O. 11652: N/A

TAGS: SHUM UN IS

SUBJECT: HUMAN RIGHTS COMMISSION-ISRAELI OCCUPIED TERRITORIES

1. US DEL HAS SECURED ADVANCE COPY OF DRAFT RESOLUTION WHICH HAS BEEN WRITTEN BY ARAB DEL AND WILL BE PUT FORWARD UNDER AGENDA ITEM 4, QUESTION OF HUMAN RIGHTS VIOLATION IN MIDDLE EAST OCCUPIED TERRITORIES. TEXT APPEARS AT END OF THIS MESSAGE. DEBATE ON THIS ITEM WILL BEGIN AT A.M. MEETING, FEB. 9.

2. GARMENT PROPOSES TO MAKE BRIEF STATEMENT DURING GENERAL DEBATE THIS ITEM WHICH WILL COVER THE FOLLOWING POINTS:  
A. THE PROPOSED RESOLUTION IS LARGELY REPETITIOUS OF MANY OTHERS ALREADY ADOPTED BY THE HUMAN RIGHTS COMMISSION AS WELL AS BY THE GENERAL ASSEMBLY. IT PRESENTS A ONE-SIDED VERSION OF THE FACTUAL SITUATION IN THE OCCUPIED TERRITORIES. IT CONDEMS ISRAELI POLICIES AND PRACTICES WHICH HAVE NOT BEEN FACTUALLY ESTABLISHED.  
B. IF THE HUMAN RIGHTS PROBLEMS IN THE MIDDLE EAST ARE TO BE CONSIDERED, THE FOCUS SHOULD BE UPON THE ENTIRE MIDDLE EAST RATHER THAN BEING ARTIFICIALLY LIMITED

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TO THE OCCUPIED TERRITORIES. THIS WOULD INVOLVE CLAIMS

OF HUMAN RIGHTS VIOLATIONS ON BOTH SIDES, WHICH IS THE INEVITABLE RESULT WHERE THERE HAS BEEN A PROLONGED WAR SITUATION.

C. REPETITIOUS RESOLUTIONS SUCH AS THE ONE PROPOSED CANNOT CONTRIBUTE TO A SOLUTION OF THE PROBLEMS OF HOSTILITIES IN THE MIDDLE EAST. THE PROBLEMS CAN ONLY BE RESOLVED THROUGH A NEGOTIATING PROCESS WHICH WILL BRING AN END TO THE HOSTILITIES IN THE AREA. MANY GOVERNMENTS ARE WORKING SERIOUSLY TO ESTABLISH A FRAMEWORK FOR NEGOTIATIONS LEADING TO A PEACEFUL SETTLEMENT. ONE-SIDES RESOLUTIONS ADOPTED THROUGH AUTOMATIC MAJORITIES IN THE HUMAN RIGHTS COMMISSION CANNOT BE HELPFUL AND MAY EVEN BE HARMFUL TO THE EFFORT TO FIND A SOLUTION TO THE SOURCE OF THE PROBLEM THROUGH THE NEGOTIATING PROCESS.

3. WILL PROCEED AS OUTLINED ABOVE IN THE ABSENCE OF ANY FURTHER GUIDANCE WHICH WILL BE NEEDED BY OPENING OF BUSINESS FEB 9 GENEVA TIME.

4. TEXT OF DRAFT RESOLUTION: BEGIN TEXT:

THE COMMISSION OF HUMAN RIGHTS  
GUIDED BY THE PRINCIPLES AND PURPOSES OF THE CHARTER OF THE UNITED NATIONS, AS WELL AS THE PRINCIPLES AND PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF 12 AUGUST 1949,  
RECALLING THE PERTINENT UNITED NATIONS RESOLUTIONS ON THE SITUATION IN THE OCCUPIED TERRITORIES AND THE PROTECTION OF THE HUMAN RIGHTS AND THE FUNDAMENTAL FREEDOMS OF THE INHABITANTS OF THE OCCUPIED ARAB TERRITORIES, AND IN PARTICULAR GENERAL ASSEMBLY RESOLUTIONS 3236 (XXIX), 3240 (XXIX), 3336 (XXIX), 3376 (XXX), SECURITY COUNCIL RESOLUTIONS 237 (1967) 252 (1968) 267 (1969) AND COMMISSION ON HUMAN RIGHTS RESOLUTIONS 4 (XXIX), 1 (XXX) AND 6 (XXXI).  
TAKING INTO ACCOUNT THAT THE GENERAL ASSEMBLY HAS, IN RESOLUTION 3376 (XXX) REAFFIRMED ITS RESOLUTION 3236 (XXIX) WHICH CONFIRMED THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE IN PALESTINE AND HAS EXPRESSED GRAVE CONCERN THAT NO LIMITED OFFICIAL USE

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PROGRESS HAS BEEN ACHIEVED TOWARDS:

(A) THE EXERCISE BY PALESTINIAN PEOPLE OF THEIR INALIENABLE RIGHTS IN PALESTINE, INCLUDING THE RIGHT TO SELF-DETERMINATION WITHOUT EXTERNAL INTERFERENCE AND THE RIGHT TO NATIONAL INDEPENDENCE AND SOVEREIGNTY;  
(B) THE EXERCISE BY PALESTINIANS OF THEIR INALIENABLE RIGHT TO RETURN TO THEIR HOMES AND PROPERTY FROM WHICH THEY HAVE BEEN DISPLACED AND UPROOTED,

TAKING INTO CONSIDERATION THAT THE GENERAL ASSEMBLY HAS  
ADOPTED RESOLUTION 3314 (XXIX) WHICH DEFINES AS AN ACT OF  
AGGRESSION THE INVASION OR ATTACK BY THE ARMED FORCES OF A  
STATE OR TERRITORY OF ANOTHER STATE, OR ANY MILITARY  
OCCUPATION, HOWEVER TEMPORARY, RESULTING FROM SUCH INVASION  
OR ATTACK, OR ANY ANNEXATION IN THE USE OF FORCE OF THE  
TERRITORY OF ANOTHER STATE OF PART THEREOF,  
RECALLING ALSO RESOLUTION IX ADOPTED BY THE INTERNATIONAL  
LABOUR CONFERENCE AT ITS FIFTY-NINTH SESSION, IN 1974, WHICH  
DECLARES THAT ANY MILITARY OCCUPATION OF TERRITORY CONSTITUTES  
IN ITSELF A PERMANENT VIOLATION OF BASIC HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS AND IN PARTICULAR, OF TRADE UNION AND  
SOCIAL RIGHTS,  
TAKING NOTE OF THE REPORTS OF THE UNITED NATIONS AND  
OTHER INTERNATIONAL HUMANITARIAN ORGANIZATIONS ON THE SITUATION  
OF THE OCCUPIED ARAB TERRITORIES AND THEIR INHABITANTS IN  
PARTICULAR THE REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE  
ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF THE POPULATION  
OF OCCUPIED TERRITORIES (A/10272),  
GREATLY ALARMED BY THE CONTINUATION OF THE VIOLATIONS  
OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS BY ISRAEL IN THE  
OCCUPATION OF THESE TERRITORIES, AND THE MEASURES AIMING  
AT ANNEXATION AS WELL AS THE CONTINUING DESTRUCTION OF  
HOMES, EXPROPRIATION OF ARAB PROPERTIES AND ILL-TREATMENT  
OF PRISONERS,  
DEPLORING ISRAEL'S CONTINUED PERSISTENCE IN ESTABLISHING  
SETTLEMENTS IN THE OCCUPIED ARAB TERRITORIES, IMPLEMENTING  
MASSIVE PROGRAMMES OF IMMIGRATION, CONTINUING THE DEPORTATION  
AND TRANSFER OF THE INDIGENOUS POPULATION AND AND REFUSING THEIR  
RETURN,  
RECALLING THE CONCLUSION OF THE SPECIAL COMMITTEE TO  
INVESTIGATE ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS OF  
THE POPULATION OF THE OCCUPIED TERRITORIES THAT THE ISRAELI  
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OCCUPYING FORCES WERE RESPONSIBLE FOR THE DELIBERATE AND  
TOTAL DESTRUCTION OF QUNEITRA AND THAT THIS CONSTITUTED A  
VIOLATION OF ARTICLE 53 OF THE FOURTH GENEVA CONVENTION OF  
12 AUGUST 1949 AND FELL WITHIN THE SCOPE OF ARTICLE 147 OF  
THAT CONVENTION,  
SERIOUSLY CONCERNED THAT THE POPULATION OF THE OCCUPIED  
ARAB TERRITORIES ARE HINDERED IN THE EXERCISE OF THEIR  
INALIENABLE RIGHTS TO NATIONAL EDUCATION AND CULTURAL LIFE.

1. DEPLORES ISRAEL'S CONTINUED AND PERSISTENT GRAVE  
VIOLATIONS IN THE OCCUPIED ARAB TERRITORIES, OF THE BASIC  
NORMS OF INTERNATIONAL LAW AND THE RELEVANT INTERNATIONAL  
CONVENTIONS, IN PARTICULAR AND THE GENEVA CONVENTION RELATIVE  
TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR OF  
12 AUGUST 1949,

2. REAFFIRMS THAT MILITARY OCCUPATION OF TERRITORY  
CONSTITUTES A GRAVE THREAT TO INTERNATIONAL PEACE AND  
SECURITY AND IS, IN ITSELF, A CONTINUOUS VIOLATION OF THE  
THE CHARTER OF THE UNITED NATIONS AND OF THE UNIVERSAL  
DECLARATION OF HUMAN RIGHTS,

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3. REAFFIRMS FURTHER THE CONDEMNATION OF ISREAL FOR THE  
DELIBERATE DESTRUCTION AND DEVASTATION OF THE TOWN OF QUNEITRA  
AND CONSIDERS THESE ACTS AS A GRAVE BREACH OF THE GENEVA  
CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN  
TIME OF WAR OF AUGUST 1949;

4. CALLS UPON ISRAEL TO TAKE IMMEDIATE STEPS FOR THE  
RETURN OF THE PALESTINIAN REFUGEES AND THE OTHER DISPLACED  
INHABITANTS OF THE OCCUPIED ARAB TERRITORIES TO THEIR HOMES;

5. CALLS UPON ISREAL TO DESIST FORTHWITH FROM ESTABLISHING  
NEW SETTLEMENTS IN THE OCCUPIED ARAB TERRITORIES AND TO COMMENCE  
IMMEDIATELY WITH THE REMOVAL OF THE EXISTING SETTLEMENTS;

6. DEPLOERS THE MEASURES TAKEN BY ISRAEL TO EXPLOIT THE

HUMAN, NATURAL AND ALL OTHER RESOURCES AND WEALTH OF THE OCCUPIED ARAB TERRITORIES AND CALLS UPON ISRAEL IMMEDIATELY TO RESCIND ALL SUCH MEASURES AND TO COMPENSATE AND MAKE FULL RESTITUTION FOR THE EXPLOITATION AND DEPLETION OF THEIR HUMAN AND NATURAL RESOURCES;

7. DECLARES THAT ALL MEASURES TAKEN BY ISRAEL TO CHANGE LIMITED OFFICIAL USE

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THE PHYSICAL CHARACTER, THE DEMOGRAPHIC STRUCTURE AND THE STATUS OF OCCUPIED ARAB TERRITORIES ARE NULL AND VOID, AND CONSIDERS THESE CHANGES AS AN IMPEDIMENT TO THE ACHIEVEMENT OF A JUST AND LASTING PEACE;

8. REAFFIRMS ITS CALL UPON ISRAEL TO ENSURE FREEDOM OF WORSHIP AND ACCORD THE ESTEEM, REGARDS AND PROTECTION DUE TO THE RELIGIOUS SHRINES AND PERSONALITIES IN ACCORDANCE WITH THE ESTABLISHED TRADITIONS IN THE REGION, PARTICULARLY IN JERUSALEM, WHICH HAS BEEN FULLY RESPECTED BY ALL AUTHORITIES THROUGHOUT THE CENTURIES;

9. DECLARES ALL MEASURES TAKEN BY ISRAELI AUTHORITIES WITH A VIEW TO CHANGING THE INSTITUTIONAL STRUCTURE AND ESTABLISHED RELIGIOUS PRACTICES IN THE SANCTUARY OF AL-IBRAHIMI MOSQUE IN THE CITY OF AL-KHALIL NULL AND VOID;

10. CALLS UPON ALL STATES NOT TO RECOGNIZE ANY SUCH CHANGES AND MEASURES CARRIED OUT BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES AND INVITES THEM TO DO THEIR UTMOST TO ENSURE THAT ISRAEL RESPECTS THE PROVISIONS OF THE GENEVA CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR;

11. CENSURES IN THE STRONGEST TERMS ALL MEASURES TAKEN BY ISRAEL TO CHANGE THE STATUS OF JERUSALEM;

12. CONDEMNS, IN PARTICULAR, THE FOLLOWING ISRAELI POLICIES AND PRACTICES:

- (A) THE ANNEXATION OF PARTS OF THE OCCUPIED TERRITORIES;
- (B) THE INTENSIFICATION OF ACTION AIMING AT THE ESTABLISHMENT OF ISRAELI SETTLEMENTS THEREIN AND THE TRANSFER OF AN ALIEN POPULATION THERETO;
- (C) THE DESTRUCTION AND DEMOLITION OF ARAB HOUSES,
- (D) THE CONFISCATION AND EXPROPRIATION OF ARAB PROPERTY IN THE OCCUPIED TERRITORIES AND ALL OTHER TRANSACTIONS FOR THE ACQUISITION OF LAND INVOLVING THE ISRAELI AUTHORITIES, INSTITUTIONS OR NATIONALS, ON THE ONE HAND, AND THE INHABITANTS AND INSTITUTIONS OF THE OCCUPIED TERRITORIES ON THE OTHER;
- (E) THE EVACUATION, DEPORTATION, EXPULSION, DISPLACEMENT

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AND TRANSFER OF ARAB INHABITANTS OF THE OCCUPIED  
TERRITORIES AND THE DENIAL OF THEIR RIGHT TO RETURN;  
F) MASS ARRESTS, ADMINISTRATIVE DETENTION AND ILL-TREATMENT  
OF THE ARAB POPULATION;  
G) THE PILLAGING OF ARCHAEOLOGICAL AND CULTURAL PROPERTY;  
H) THE INTERFERENCE WITH RELIGIOUS FREEDOMS AND PRACTICES,  
AS WELL AS FAMILY RIGHTS AND CUSTOMS;  
I) THE HINDERING OF THE EXERCISE BY THE POLUPLATION OF THE  
OCCUPIED TERRITORIES OF THEIR RIGHT TO NATIONAL EDUCATION  
AND CULTURAL LIFE.

13. CONSIDERS THE ABOVE MENTIONED VIOLATIONS AS WAR CRIMES  
AND AN AFFRONT TO HUMANITY;

14. REQUESTS THE SECRETARY GENERAL TO BRING THE PRESENT  
RESOLUTION TO THE ATTENTION OF ALL GOVERNMENTS, THE COMPETENT  
UNITED NATIONS ORGANS, THE SPECIALIZED AGENCIES, AND REGIONAL  
INTERGOVERNMENTAL ORGANIZATIONS AND TO GIVE IT THE WIDEST  
POSSIBLE PUBLICITY AND TO REPORT TO THE COMMISSION ON HUMAN  
RIGHTS AT ITS NEXT SESSION;

15. DECIDES TO PLACE ON THE PROVISIONAL AGENDA OF ITS  
THIRTY-THIRD SESSION, AS A MATTER OF HIGH PRIORITY, THE  
ITEM ENTITLED "QUESTION OF THE VIOLATION OF HUMAN RIGHTS  
IN THE TERRITORIES OCCUPIED AS A RESULT OF HOSTILITIES IN  
THE MIDDLE EAST". END TEXT DALE

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## Message Attributes

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